C O N F I D E N T I A L SECTION 01 OF 03 TRIPOLI 000426

SIPDIS

DEPARTMENT FOR NEA/MAG, EUR

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E.O. 16356: DELGE. CARREL PROV. BU LY SUBJECT: DRAMATIC STATEMENTS ABOUT HIV INFECTIONS AND MEDICS TRIAL CONTINUE IN LIBYA

CLASSIFIED BY: Elizabeth Fritschle, Pol/Econ Chief, United States Embassy, DOS. REASON: 1.4 (b), (d)

- 11. SUMMARY. Libya's newspapers, all government controlled, continue to run dramatic statements about the source of HIV infections in Libya. The press articles consistently blame the Palestinian doctor and Bulgarian nurses, along with foreign intelligence services including the CIA and Mossad, for deliberating infecting the children with HIV. Although international legal experts have grave concerns about the court process and quality of evidence, the Libyan press continues to insist that their judicial system is sacrosanct. While the Libyan government gives assurances that is is working to find a resolution to the case, and some officials admit in private that they know that infections were not a deliberate, criminal act, there are no public signs of trying to educate the Libyan population or shift public opinion. A recent press release from representatives of the Benghazi families has a shift in tone from calls for retribution to an expression of appreciation to those who empathize with the suffering of the infected Libyans. At the same time though, the families are now calling for more attention to be paid to a scientific study released from the "Biotechnology Center of South Carolina" that questions the theory that the infection spread due to poor hygienic practice. The next hearing in the defamation case against the medics is May 6 and a Supreme Court decision on the appeal of the quilty verdict is due before May 17. If the quilty verdict and death sentence are confirmed, the appeal will move to the Libyan Higher Judicial Council for a further review. END SUMMARY.
- 12. (SBU) Libya's newspapers, all government controlled, continue to run dramatic statements about the source of HIV infections in Libya. Libyan papers continue to print "public opinion" pieces that have no attributions but express outrage against the foreign medical staff who allegedly injected over 400 Libyan children in a Benghazi hospital with the HIV virus in 11998. The accused Palestinian and Bulgarians are currently waiting for a Supreme Court decision on the appeal of the guilty verdict and death sentence in their trial. The decision is due before May 17, although an exact date is not determined, according to the Bulgarian Embassy. This is the second time they have been sentenced to death. The Supreme court overturned a previous death sentence and remanded the case for retrial. The press articles consistently blame the Palestinian doctor and Bulgarian nurses, along with foreign intelligence services including the CIA and Mossad, for deliberating infecting the children with HIV. (SBU) Libya's newspapers, all government controlled
- 13. (SBU) Although international legal experts have grave concerns about the court process and quality of evidence, the Libyan press continues to insist that their judicial system is sacrosanct. The articles also claim that the international community's concern over the case reflects racism because they claim, if the children were American or European, no one would have questioned the court decision. The following quote is typical of most articles: "The West wants this case to be about the five Bulgarian nurses and not the hundreds of children. All this happened since no one cares about Arab children. The world, with its human rights, charitable and political organizations, is reduced to silence only because these children and mothers are Libyans and not Scandinavians or North Americans."
- 14. (SBU) Particularly inflammatory was an article in al-Jamahiriya newspaper that published pictures of many Libyan children infected with the HIV virus with the following headline, "our children did not come from Mars, and their blood isn't sewage water. Anyone trying to question this trial is guilty as well. The crime of injecting Libyan children with AIDS is a crime against humanity and not just a case of Bulgarian nurses." Many of the articles claim that anyone who questions the court's guilty verdict must have played an integral role in the crime. Some typical quotes include:

"Any entity or any country trying to raise doubts about this case is not innocent of this crime;"

"Intelligence services and parties involved in this crime are those who push for questioning justice in the case of those

victim children;"

"Those objecting to the case are suspect characters who are loyal to the intelligence services of those countries involved in the case;" and

TRIPOLI 00000426 002 OF 003

"Anyone trying to question this case is an active player in the crime and bears responsibility." $\!\!\!\!$

The "public opinion" pieces also claim consistently that it would only be fair for the families of the victims to seek proper compensation for the crime; that the deliberate infections are a crime against humanity that require blood

15. (C) While the Libyan government gives assurances that is is working to find a resolution to the case, and some officials admit in private that they know that infections were not a deliberate, criminal act, there are no public signs of trying to educate the Libyan population or shift public opinion. In contrast, there seems to be an effort to maximize public outrage to create nationalist sentiment against "outside influences." The Libyan government will have to use some twisted explanation when a settlement is finally reached. There are many precedents for unusual logic in Libya. In April, Qadhafi gave public remarks that could be interpreted to say that Libya did not

really pay the Lockerbie settlement for the Pan-Am 103 bombing, but instead U.S. companies paid for the Lockerbie settlement by purchasing Libyan oil. Similarly, the official Libyan stance i that the Operation El Dorado Canyon air strikes on Libya in 198 were a U.S. failure and that Libya won against the "American aggression" by surviving the bombing raid.

16. (C) One sign that there might be a shift in the Libyan insistence that the medical personnel are guilty and that compensation must be paid can be found in a recent press statement from the group representing the infected Libyans. The statement of the Great Socialist People's Libyan Arab Jamahiriya Civil Society for the Care of the Infected Children organization was released via the internet and not through the local papers, so it would not have wide circulation in Libya. Therefore, the intended audience is the international community. The statement says that the families of the Libyan victims value EU Commissioner for External Relations Ferrero's (sic) initiatives on behalf of the Benghazi children. It also expresses appreciation for the efforts by the German government as the current EU chair. It also noted that the UK, while acting as the EU chair, worked to set up the Benghazi International Support Fund and initiated a dialogue with the victim's families through the Qadhafi Development Foundation. It emphasizes its appreciation for "representatives of the international community that have shown all respect for the feelings of the families and understanding of what their children have suffered through this humanitarian tragedy and respect for the justice of their situation." Whereas most previous statements have focused strongly on compensation and retribution, this press release emphasizes appreciation for people who empathize with the infected children. The release is signed by Omar al-Kilani al-Mismari and Idris Hamad Lagha as "representatives of the families of the Libyan Child Victims of the AIDS Disaster."

- 17. (C) At the same time, the press statement calls attention to a scientific study issued in the U.S. It says, "the children's families appeal to the Arab and international scientific and legal community to take greater interest in the new scientific studies by specialists from the Biotechnology Center of South Carolina and from the American Calvin University which reveal more evidence about what happened in Benghazi Children's Hospital in 1998. Libyans are using the new study released in South Carolina to support their claim that the infections must have been deliberate. In contrast, world-renowned HIV experts dismiss the study as "scientific drivel", but unfortunately, the Libyans are claiming that since the study comes from the U.S. it must be authoritative proof of the medics' guilt. The Libyan Medical Board is particularly sensitive to criticism that the infections were spread by poor sanitation and medical practice. Since the South Carolina study concludes that it would be unusual for an infection to be spread by poor sanitation in only one hospital, the Libyans are using the study to exonerate themselves of accusations of poor sanitation across the board. sanitation across the board.
- 18. (C) COMMENT. We are not familiar with the "Biotechnology Center of South Carolina" or the "American Calvin University." If they exist and have issued such a study, it is unfortunate that the U.S. scientific community is being used by the Libyan medical establishment to refute independent studies by the world's leading HIV experts that the infections developed and spread through the patient population in a manner inconsistent with deliberate criminal intent, but similar to outbreaks in hospital populations in other countries such as Romania. That

TRIPOLI 00000426 003 OF 003

only makes it more difficult to hope for a ruling by the Libyan appeals courts that the case should be thrown out based on scientific evidence. It is widely anticipated that the Supreme Court will confirm the guilty verdict and death sentence sometime before May 17. Embassy expects that there will be another upsurge of Libyan press statements dramatizing the suffering of the Libyans with HIV and AIDs at that time. At the same time, the ongoing defamation cases against the medics brought by the security officials schedule for another hearing about May 6. It is widely anticipated that the medics will be found guilty of defaming Libyan security by claiming that they were tortured while in police custody. If, as expected, the guilty verdicts in the infection case are upheld by the Supreme Court then the Libyan Higher Judicial Council will consider the verdicts. The Higher Judicial Council includes Libyan "cabinet" officials as well as judicial officers and would be the mechanism to arrange some way for the medics to depart Libya. END COMMENT. GOLDRICH